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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
-v.- : PRELIMINARY ORDER OF
FORFEITURE/
:
MICHAEL MENDLOWITZ, : MONEY JUDGMENT
a/k/a "Moshe Mendlowitz," :
S2 17 Cr. 248 (VSB)
Defendant. :
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WHEREAS, on or about March 27, 2019, MICHAEL MENDLOWITZ, a/k/a "Moshe Mendlowitz," (the "defendant"), was charged in a three-count, superseding indictment, S2 17 Cr. 248 (VSB) (the "Indictment"), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Two); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One, Two, and Three, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amounts of proceeds traceable to the commission of the offenses that the defendant personally obtained;

WHEREAS, on or about May 23, 2019 the defendant was convicted following a jury trial of Counts One and Two of the Indictment;

WHEREAS, the Government asserts that \$617,115.79 in United States currency represents the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, the Government seeks the entry of a money judgment in the amount of \$617,115.79 in United States currency representing the amount of proceeds traceable to the offenses alleged in Counts One and Two of the Indictment that the defendant personally obtained; and

WHEREAS, as a result of the acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Counts One and Two of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence;

NOW, THEREFORE, IT IS ORDERED ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One and Two of the Indictment, of which a jury found the defendant guilty after trial, a money judgment in the amount of \$617,115.79 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Counts One and Two of the Indictment that the defendant obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, this Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, MICHAEL MENDLOWITZ, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the “United States Marshals Service,” and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

SO ORDERED:



THE HONORABLE VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE

6/25/21
DATE